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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,011	10/31/2003	William D. Holland	10014648-1	1436
22879 7590 05/16/2008 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400				
EXAMINER KRASNIC, BERNARD				
ART UNIT 2624		PAPER NUMBER		
NOTIFICATION DATE 05/16/2008		DELIVERY MODE ELECTRONIC		

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/699,011
Filing Date: October 31, 2003
Appellant(s): HOLLAND, WILLIAM D.

James D. Shaurette (Reg. No. 39,833)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/27/2008 appealing from the Office action mailed 9/27/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

The Appellant states (see Appeal Brief, pp. 4, Section O) that there is a 112 first paragraph rejection toward claim 31. However as discussed in the Examiner's Final Office Action (dated 9/27/2007, pps. 8-9), claim 32 is rejected under 112 first paragraph and not claim 31. Therefore the Appellant is mistakenly arguing the wrong claim, the Appellant is arguing claim 31 instead of claim 32.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 5,933,184	ISHIGAMI ET AL.	8-1999
US 6,611,348 B1	CHASE ET AL.	8-2003

Theodoracatos, V. - "A 3-D vision system model for automatic object surface sensing" -
International Journal of Computer Vision - 1993, pages 75-99

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims and appear in the Final Rejection dated 9/27/2007 (repeated below for convenience):

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 32 and 34-38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. When the Applicant adds new claims, it is essential for the Applicant to point out where the support could be found. However the Applicant has not done so for the newly added claims 31-38. The Examiner while searching the Applicants specification and drawings concluded that the newly added

claims 32 and 34-38 contain subject matter which was not described as to reasonably convey possession of the claimed invention [therefore when making the claim rejections below, the claims are considered as best understood by the Examiner].

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-5, 7, 13, 16, 18-19, 23, 27-28, 31-33 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishigami et al (US 5,933,184, as applied in previous Office Action).

Re Claim 1: Ishigami discloses a hard imaging method / color image forming device (Fig. 1) comprising accessing image data / image signal corresponding to a hard image / color image to be formed (see Fig. 1, col. 4, lines 47-65); generating light / laser light source (5) responsive to the image data / image signal (see Fig. 1, col. 4, lines 42-51, col. 2, lines 61-67); scanning / scan the light to form a latent image / latent image corresponding to the hard image / color image to be formed (see col. 4, lines 34-39, lines 42-51, col. 2, lines 61-67); accessing / optical system (3) the generated correction data / uniform velocity correction data corresponding to scanning errors / uniform

velocity error of a scan lens / mirror surface intermediate a rotating reflection device / rotary polygon mirror (6) and a photoconductor / photosensitive body (4) (see Fig. 1, col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 30-66); and modifying / corrects distortion the image data / image signal using the correction data / uniform velocity correction data before the generating (see col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 30-66), the modifying / correcting distortion comprising modifying to reduce / correct an introduction of image errors / uniform velocity error resulting from the scanning / scan using the scan lens / mirror surface (see col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 30-66, col. 6, lines 25-44).

Re Claim 13: Ishigami discloses a hard imaging device / color image forming device (see Fig. 1) comprising processing circuitry / image clock generating unit (9) configured to access the image data / image signal corresponding to images / color image to be formed using a hard imaging device, to access correction data / uniform velocity correction data corresponding to scanning error / uniform velocity error of an optical scanning system / optical system (3) of the hard imaging device / color image forming device, and to modify / correct distortion the image data / image signal according to the correction data / uniform velocity correction data to reduce / correct image errors / uniform velocity errors introduced during optical scanning of the image data using the optical scanning system (see Fig. 1, col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 30-66, col. 6, lines 25-44).

Re Claim 18: Ishigami discloses a hard imaging device / color image forming device (see Fig. 1) comprising an optical scanning system / optical system (3) configured to access image data / image signal to be used to form a hard image / color image (see Fig. 1, col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 30-66), to generate light / laser light source (5) corresponding to the image data / image signal, and to direct the generated light / laser light source indicative of the image data / image signal to a photoconductor / photosensitive body (4) (see Fig. 1, col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 30-66), wherein the optical scanning system / optical system produces images upon the photoconductor / photosensitive body which differ from images of the generated light, the difference resulting from scanning errors / uniform velocity error in the optical scanning system (see col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 30-66, col. 6, lines 25-44); and processing circuitry / image clock generating unit (9) configured to modify / correct distortion the image data / image signal prior to application of the image data to the optical scanning system / optical system, wherein the modification / correct distortion of the image data comprises modifying the image data to control the generation of light / laser light source within the optical scanning system in a manner to reduce / correct the presence of image errors / uniform velocity errors in a resultant image formed on the photoconductor / photosensitive body and caused by the scanning errors / uniform velocity error of the optical scanning system (see col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 30-66, the uniform velocity correction data is used to improve the image quality, col. 3, lines 16-24, col. 6, lines 25-44).

Re Claim 27 [as best understood by the Examiner]: Ishigami discloses an article of manufacture comprising computer-readable media comprising programming configured to cause processing circuitry / image clock generating unit (9) of a hard imaging device / color image forming device to perform processing comprising accessing image data / image signal corresponding to an initial image to be hard imaged using the hard imaging device (see Fig. 1, col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 30-66, processor usable media is within the electro-photographic printer system, abstract, lines 17-21); accessing correction data / uniform velocity correction data corresponding to image errors / uniform velocity error introduced by an optical scanning system / optical system (3) of the hard imaging device / color image forming device and configured to emit light / laser light source (5) during hard imaging operations; modifying / correct distortion the image data / image signal responsive to the correction data / uniform velocity correction data to improve the accuracy / quality of a latent image formed by the optical scanning system / optical system responsive to the image data / image signal and with respect to the initial image; and outputting the modified / corrected image data to the optical scanning system / optical system of the hard imaging device (see Fig. 1, col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 30-66, the uniform velocity correction data is used to improve the image quality, col. 3, line 16-24, col. 6, lines 25-44).

Re Claim 3: Ishigami further discloses the scanning / scan comprises scanning / scan using an optical scanning system / optical system having the scanning errors / uniform

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velocity error comprising geometric distortion / distortion characterized by the optical system of the scan lens / mirror surface, and the accessing comprises accessing the correction data / uniform velocity correction data corresponding to the geometric distortion / distortion characterized by the optical system (see Fig. 1, col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 30-66).

Re Claim 4: Ishigami further discloses the accessing comprises accessing the correction data / uniform velocity correction data configured to reduce / correct the image errors / uniform velocity error resulting from the geometric distortion / distortion characterized by the optical system (see Fig. 1, col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 30-66).

Re Claim 5: Ishigami further discloses scanning /scan comprises scanning / scan to form the latent image / latent image upon the photoconductor / photosensitive body (4) (see Fig. 1, col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 30-66).

Re Claim 7: Ishigami further discloses modifying a timing / image clock with scanning time of an outputting of the image data / image signal to a light source / laser light source configured to generate the light (col. 3, lines 1-16, col. 6, lines 25-44).

Re Claim 16: Ishigami further discloses the processing circuitry / image clock generating unit is configured to modify / correct the image data / image signal using the correction

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data / uniform velocity correction data (see Fig. 1, col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 30-66) corresponding to a geometric distortion / distortion characterized by the optical system of a scan lens / mirror surface of the optical scanning system of the hard imaging device (see col. 4, lines 52-67).

As to claim 19, the discussions are addressed with respect to claims 3 and 16.

Re Claim 23: Ishigami further discloses a system of the hard imaging device comprising an electrophotographic printer (see abstract, lines 17-21).

Re Claim 28: Ishigami further discloses the processing circuitry / image clock generating unit to access the correction data / uniform velocity correction data comprising correction data configured to reduce / correct the image errors / uniform velocity errors introduced by the optical scanning system / optical system (see Fig. 1, col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 30-66).

Re Claim 31: Ishigami further discloses the modifying the image data comprises modifying / correcting content of a representation / latent of the hard image / color image (see col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 34-64, col. 6, lines 25-44).

Re Claim 32 [as best understood by the Examiner]: Ishigami further discloses wherein the accessing comprises accessing the image data comprising initial image data /

image signal and the modifying / correcting provides modified image data / image signal corrected of distortion, and wherein the modified image data causes different pixels of a raster to be imaged compared with the initial image data (see col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 34-64, col. 6, lines 25-44, the modified image signal is different than the initial image signal since distortion has been corrected using uniform velocity correction data, an original is different from a modified original).

Re Claim 33: Ishigami further discloses the modifying the image data comprises modifying / correcting data a graphical object of a display list / distortion in expansion or contraction (see col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 34-64, col. 6, lines 25-44).

Re Claim 37 [as best understood by the Examiner]: The discussions are addressed with respect to claims 13 and 32 respectively.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 6, 14-15, 21-22, 30, 34-36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishigami as applied to claims 1, 13, 18, and 27 above. The teachings of Ishigami have been discussed above.

Re Claim 2: Ishigami further discloses rasterizing the image data (see Ishigami, Fig. 11a-b, col. 3, lines 59-61, the data is scanned in a main direction which essentially is raster scanning) from an initial format to raster image data, and wherein the modifying comprises modifying the image data / image signal creation being rasterized / scanning main direction during the rasterizing (see Ishigami, Fig. 11a-b, col. 4, lines 59-61, col. 6, lines 25-44).

Although Ishigami doesn't specifically disclose rasterizing the image data, it would have been obvious to one of ordinary skill in the art at the time the invention was made to realize that the main scan direction is essentially rasterizing (see Chase et al, US 6,611,348 B1, col. 7, lines 57-62, Chase shows that one of ordinary skill realizes that a printer includes a raster image processor to rasterize files from one data type to another when the binary pixel information will be used for manipulation or in this case correction).

As to claim 15, the claim is the corresponding system claim to claim 2 respectively. The discussions are addressed with regard to claim 2.

As to claim 22, the discussions are addressed with respect to claim 15.

Re Claim 6: Ishigami further discloses the modifying comprises modifying using a raster image processor (see Fig. 11a-b, col. 4, lines 59-61, the data is scanned in a main direction which essentially is raster scanning, col. 6, lines 25-44).

Although Ishigami doesn't specifically disclose rasterizing the image data with a raster image processor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to realize that the main scan direction is essentially rasterizing with a raster image processor (see Chase et al, US 6,611,348 B1, col. 7, lines 57-62, Chase shows that one of ordinary skill realizes that a printer type device includes a raster image processor to rasterize files from one data type to another when the binary pixel information will be used for manipulation or in this case correction).

As to claim 14, the claim is the corresponding system claim to claim 6 respectively. The discussions are addressed with regard to claim 6.

As to claim 21, the discussions are addressed with respect to claim 14.

As to claim 30, the discussions are addressed with respect to claim 14.

Re Claim 34 [as best understood by the Examiner]: Ishigami further discloses after the modifying, outputting the image data to a light source / laser light source at a constant rate / uniform velocity, and wherein the light source is configured to generate the light / laser beam (see col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 34-64, col. 6, lines 25-44). Although Ishigami doesn't specifically disclose outputting to a light source at a

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constant rate, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have such a feature because Ishigami has been correcting for uniform velocity to be able to output at this undistorted uniform velocity / constant rate.

Re Claim 35 [as best understood by the Examiner]: Although Ishigami doesn't specifically disclose the modifying provides modified image data which causes a pixel of one scan line of a raster to be imaged using a pixel of another scan line of the raster, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have such a feature because pixels obviously will be the same in different scan lines for typical objects [for example, a single colored box image has the same color value pixels in different scan lines].

Re Claim 36 [as best understood by the Examiner]: Ishigami further discloses the modifying during the rasterizing / scanning main direction provides a raster to be imaged which is different than a raster provided by rasterizing of the image data without the modifying (see col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 34-64, col. 6, lines 25-44, it is obvious that the raster of an image signal will be different after a modification during rasterization is applied to the data, an original is different from a modified original).

Re Claim 38 [as best understood by the Examiner]: Ishigami further discloses wherein the processing circuitry is configured to modify / correct the image data / image signal to provide modified image data, and wherein the modified image data is applied to the optical scanning system / optical system at a constant rate / uniform velocity (see col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 34-64, col. 6, lines 25-44). Although Ishigami doesn't specifically disclose outputting to optical scanning system at a constant rate, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have such a feature because Ishigami has been correcting for uniform velocity just to be able to output at this undistorted uniform velocity / constant rate.

7. Claims 17, 20, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishigami as applied to claims 13, 18, and 27 above, in view of Theodoracatos ("A 3-D vision system model for automatic object surface sensing" – International Journal of Computer Vision, 1993, pages 75-99, as applied in previous Office Action). The teachings of Ishigami have been discussed above.

Re Claim 17: Ishigami further discloses the processing circuitry / image clock generating unit is configured to modify / correct the image data / image signal using the correction data / uniform velocity correction data (see Fig. 1, col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 30-66) comprising an inverse representation of the geometric distortion (Ishigami only discloses a correction distortion).

However, Ishigami fails to disclose or fairly suggest the correction data comprises an inverse representation of the geometric distortion.

Theodoracatos discloses the correction data comprising an inverse representation of the geometric distortion / inverse perspective technique (see page 85, Section – 6.1 Camera Goemetric Distortion, paragraph 2, lines 5-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ishigami's device using Theodoracatos's teachings by including the inverse perspective technique to the correction data in order to reduce the distortion which is produced by the nonlinear results of the lens (see Theodoracatos, page 85, Section – 6.1 Camera Goemetric Distortion, paragraph 1).

As to claim 20, the discussions are addressed with respect to claim 17.

As to claim 29, the discussions are addressed with respect to claim 17.

(10) Response to Argument

A. The 102 rejection of claims 1, 3-5, 7 and 31-33 is improper since positively recited limitations of the claims are not disclosed in Ishigami.

1. *The Appellant firstly argues*, regarding claims 1, 3-5, 7 and 31-33 (see Appeal Brief, pp. 4-6), that the Ishigami art reference does not teach or suggest the claim limitations of "accessing image data corresponding to a hard image to be formed"

and "modifying the image data using correction data" because the Appellant believes that Ishigami's clock pulses are not the same as the claims "image data".

The Appellant secondly argues that the patent application claims are interpreted consistent with the specification [see Appellants specification at paragraph 0019 where the image data is defined for example as page description language (PDL) data or any other data comprising content to be hard imaged] and therefore Ishigami's teaching of clock signals may not fairly be interpreted to teach the limitations of image data.

The Appellant thirdly argues that the rejections toward claims 1, 3-5, 7, and 31-33 for at least the above mentioned reasons should be reversed and therefore independent claim 1 with dependent claims 2-7 and 31-36 are in condition for allowance.

2. The Examiner's response to the Appellant's first argument is that Ishigami does teach the limitations of "accessing image data corresponding to a hard image to be formed" and "modifying the image data using correction data". Ishigami teaches (see Ishigami, col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 34-65) in order to form a color image / hard image on a sheet medium, an image signal [image data of the hard image] is accessed or provided and the laser light source using this image signal information scans light in a scanning direction [basically raster scanning] to form a latent image according to the image signal, then uniform velocity correction data is then accessed to modify and correct distortion of the latent image [latent image is basically the electrostatic representation of the image signal where

the image signal is the image data representing the hard image or color image]. Therefore Ishigami does clearly disclose the reasonable broad interpretation of the claim limitations of accessing image data / image signal corresponding to a hard image / color image to be formed / form and modifying / correcting distortion the image data / latent image [the latent image is just the electrostatic representation of the image data] using correction data / uniform velocity or magnification correction data as recited in claim 1. Also, the Appellant argues that the claims limitation of "image data" doesn't correspond to Ishigami's clock pulses. This seems to be irrelevant because the art rejection clearly taught that the Appellants "image data" corresponded to Ishigami's image signal which clearly is the same thing; image data and image signal mean the exact same thing. But for the sake of argument, Ishigami also discloses (see Ishigami, col. 4, lines 63-65) that the clock pulses are generated as a representation of the image signal [the image signal and the clock pulses therefore correlate and correspond to each other] clearly showing that the clock pulses are corresponding image data.

The Examiner's response to the Appellant's second argument that the references fail to show certain features of Appellant's invention, is that it is noted that the features upon which Appellant relies (i.e., image data is defined as page description language (PDL) data or any other data) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Also as discussed above the art

rejection clearly taught that the Appellants "image data" corresponded to Ishigami's image signal which clearly is the same thing; image data and image signal mean the exact same thing. But for the sake of argument, Ishigami also discloses (see Ishigami, col. 4, lines 63-65) that the clock pulses are generated as a representation of the image signal [the image signal and the clock pulses therefore correlate and correspond to each other] clearly showing that the clock pulses are corresponding image data.

The Examiner's response to the Appellant's third argument is that the claim rejection toward independent claim 1 is maintained since the prior art reference Ishigami does teach the reasonable broad interpretation of the claimed subject matter as discussed above. Therefore independent claim 1 and dependent claims 2-7 and 31-36 are still not in condition for allowance since they are still not patentably distinguishable over the prior art reference.

For these reasons, the Examiner considers these arguments unpersuasive and maintains the previous rejections of claims 1-7 and 31-36.

B. The 102 rejection of claims 13, 16, and 37 is improper since positively recited limitations of the claims are not disclosed in Ishigami.

1. *The Appellant firstly argues*, regarding claims 13, 16, and 37 (see Appeal Brief, pp. 6-7), that the Ishigami art reference does not teach or suggest the claim limitations of "processing circuitry configured to access image data corresponding to

images to be formed using a hard imaging device and to access correction data" and "processing circuitry configured to modify the image data according to the correction data to reduce image errors" because the Appellant believes that Ishigami's clock pulses are not the same as the claims "image data".

The Appellant secondly argues that the patent application claims are interpreted consistent with the specification [see Appellants specification at paragraph 0019 where the image data is defined for example as page description language (PDL) data or any other data comprising content to be hard imaged] and therefore Ishigami's teaching of clock signals may not fairly be interpreted to teach the limitations of image data.

The Appellant thirdly argues that the rejections toward claims 13, 16, and 37 for at least the above mentioned reasons should be reversed and therefore independent claim 13 with dependent claims 14-17 and 37 are in condition for allowance.

2. The Examiner's response to the Appellant's first argument is that Ishigami does teach the limitations of "processing circuitry configured to access image data corresponding to images to be formed using a hard imaging device and to access correction data" and "processing circuitry configured to modify the image data according to the correction data to reduce image errors" for the same relative reasons as discussed above [see discussion about claim 1]; the relative circuitry for the method claim is found in Figure 1 of Ishigami where processing circuitry / image clock generating unit (9) configured to access the image data / image signal

corresponding to images / color image to be formed using a hard imaging device and to access correction data / uniform velocity correction data corresponding to scanning error / uniform velocity error of an optical scanning system / optical system (3) of the hard imaging device / color image forming device, and to modify / correct distortion the image data / image signal according to the correction data / uniform velocity correction data to reduce / correct image errors / uniform velocity errors introduced during optical scanning of the image data using the optical scanning system (see Fig. 1, col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 30-66, col. 6, lines 25-44, *image clock generating unit 9 generates clock pulses for image signal creation corresponding to the uniform velocity correction data which is received from the storage unit 8 which holds this uniform velocity correction data which corrects distortion in expansion or contraction*). Therefore Ishigami does clearly disclose the reasonable broad interpretation of the claim limitations. Also, the Appellant argues that the claims limitation of "image data" doesn't correspond to Ishigami's clock pulses. This seems to be irrelevant because the art rejection clearly taught that the Appellants "image data" corresponded to Ishigami's image signal which clearly is the same thing; image data and image signal mean the exact same thing. But for the sake of argument, Ishigami also discloses (see Ishigami, col. 4, lines 63-65) that the clock pulses are generated as a representation of the image signal [the image signal and the clock pulses therefore correlate and correspond to each other] clearly showing that the clock pulses are corresponding image data.

The Examiner's response to the Appellant's second argument that the references fail to show certain features of Appellant's invention, is that it is noted that the features upon which Appellant relies (i.e., image data is defined as page description language (PDL) data or any other data) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Also as discussed above the art rejection clearly taught that the Appellants "image data" corresponded to Ishigami's image signal which clearly is the same thing; image data and image signal mean the exact same thing. But for the sake of argument, Ishigami also discloses (see Ishigami, col. 4, lines 63-65) that the clock pulses are generated as a representation of the image signal [the image signal and the clock pulses therefore correlate and correspond to each other] clearly showing that the clock pulses are corresponding image data.

The Examiner's response to the Appellant's third argument is that the claim rejection toward independent claim 13 is maintained since the prior art reference Ishigami does teach the reasonable broad interpretation of the claimed subject matter as discussed above. Therefore independent claim 13 and dependent claims 14-17 and 37 are still not in condition for allowance since they are still not patentably distinguishable over the prior art reference.

For these reasons, the Examiner considers these arguments unpersuasive and maintains the previous rejections of claims 13-17 and 37.

C. The 102 rejection of claims 18-19 and 23 is improper since positively recited limitations of the claims are not disclosed in Ishigami.

1. *The Appellant firstly argues*, regarding claims 18-19 and 23 (see Appeal Brief, pp. 8-9), that the Ishigami art reference does not teach or suggest the claim limitations of "processing circuitry configured to modify the image data to control the generation of light in a manner to reduce the presence of image errors caused by scanning errors" because the Appellant believes that Ishigami's clock pulses are not the same as the claims "image data".

The Appellant secondly argues that the patent application claims are interpreted consistent with the specification [see Appellants specification at paragraph 0019 where the image data is defined for example as page description language (PDL) data or any other data comprising content to be hard imaged] and therefore Ishigami's teaching of clock signals may not fairly be interpreted to teach the limitations of image data.

The Appellant thirdly argues that the rejections toward claims 18-19 and 23 for at least the above mentioned reasons should be reversed and therefore independent claim 18 with dependent claims 19-23 and 38 are in condition for allowance.

2. The Examiner's response to the Appellant's first argument is that Ishigami does teach the limitations of "processing circuitry configured to modify the image data to control the generation of light in a manner to reduce the presence of image errors caused by scanning errors" for the same relative reasons as discussed above [see discussion about claims 1 and 13]; the relative circuitry is found in Figure 1 of Ishigami where processing circuitry / image clock generating unit (9) configured to modify / correct distortion the image data / image signal prior to application of the image data to the optical scanning system / optical system, wherein the modification / correct distortion of the image data comprises modifying the image data to control the generation of light / laser light source within the optical scanning system in a manner to reduce / correct the presence of image errors / uniform velocity errors in a resultant image formed on the photoconductor / photosensitive body and caused by the scanning errors / uniform velocity error of the optical scanning system (see col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 30-66, the uniform velocity correction data is used to improve the image quality, col. 3, lines 16-24, col. 6, lines 25-44). Therefore Ishigami does clearly disclose the reasonable broad interpretation of the claim limitations. Also, the Appellant argues that the claims limitation of "image data" doesn't correspond to Ishigami's clock pulses. This seems to be irrelevant because the art rejection clearly taught that the Appellants "image data" corresponded to Ishigami's image signal which clearly is the same thing; image data and image signal mean the exact same thing. But for the sake of argument, Ishigami also discloses (see Ishigami, col. 4, lines 63-65) that the clock pulses are

generated as a representation of the image signal [the image signal and the clock pulses therefore correlate and correspond to each other] clearly showing that the clock pulses are corresponding image data.

The Examiner's response to the Appellant's second argument that the references fail to show certain features of Appellant's invention, is that it is noted that the features upon which Appellant relies (i.e., image data is defined as page description language (PDL) data or any other data) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Also as discussed above the art rejection clearly taught that the Appellants "image data" corresponded to Ishigami's image signal which clearly is the same thing; image data and image signal mean the exact same thing. But for the sake of argument, Ishigami also discloses (see Ishigami, col. 4, lines 63-65) that the clock pulses are generated as a representation of the image signal [the image signal and the clock pulses therefore correlate and correspond to each other] clearly showing that the clock pulses are corresponding image data.

The Examiner's response to the Appellant's third argument is that the claim rejection toward independent claim 18 is maintained since the prior art reference Ishigami does teach the reasonable broad interpretation of the claimed subject matter as discussed above. Therefore independent claim 18 and dependent claims

19-23 and 38 are still not in condition for allowance since they are still not patentably distinguishable over the prior art reference.

For these reasons, the Examiner considers these arguments unpersuasive and maintains the previous rejections of claims 18-23 and 38.

D. The 102 rejection of claims 27-28 is improper since positively recited limitations of the claims are not disclosed in Ishigami.

1. The Appellant firstly argues for patentability of independent claim 27 (see Appeal Brief, pp 9-10) based on the same reasoning used for the arguments pertaining to claim 1 respectively as discussed above in Section A.1.

The Appellant secondly argues that the rejections toward claims 27-28 for at least the above mentioned reasons should be reversed and therefore independent claim 27 with dependent claims 28-30 are in condition for allowance.

2. Firstly, for the same reasons respectively as discussed above in Section A.2 with respect to claim 1, the Examiner considers these arguments unpersuasive and maintains the previous rejection of claim 27 as discussed above in Section (9)

Grounds of Rejection; Ishigami does teach the reasonable broad interpretation of “accessing image data corresponding to an initial image to be hard imaged using the hard imaging device” and “modifying the image data responsive to the correction data to improve accuracy of a latent image formed by the optical scanning system responsive to the image data and with respect to the initial image”.

The Examiner's response to the Appellant's second argument is that the claim rejection toward independent claim 27 is maintained since the prior art reference Ishigami does teach the reasonable broad interpretation of the claimed subject matter as discussed above. Therefore independent claim 27 and dependent claims 28-30 are still not in condition for allowance since they are still not patentably distinguishable over the prior art reference.

For these reasons, the Examiner considers these arguments unpersuasive and maintains the previous rejections of claims 27-30.

E. Positively-recited limitations of claim 2 are not disclosed nor suggested by Ishigami or Chase and the 103 rejection is improper.

1. *The Appellant firstly argues*, regarding claim 2 (see Appeal Brief, pp. 10-12), that the Ishigami art reference does not teach or suggest the claim limitations of "rasterizing the image data from an initial format to raster image data and wherein the modifying comprises modifying the image data being rasterized during the rasterizing" because the Appellant believes that Ishigami's clock pulses are not the same as the claims "image data".

The Appellant secondly argues that the patent application claims are interpreted consistent with the specification [see Appellants specification at paragraph 0019 where the image data is defined for example as page description language (PDL) data or any other data comprising content to be hard imaged] and

therefore Ishigami's teaching of clock signals may not fairly be interpreted to teach the limitations of image data.

The Appellant thirdly argues that the patent application claims are interpreted consistent with the specification [see Appellants specification at paragraphs 0023, 0028-0029, 0035-0037, 0039 and 0044] and therefore Ishigami [or Chase] does not fairly teach or suggest the claim limitation of modifying image data being rasterized during rasterization from an initial format to raster image data.

The Appellant fourthly argues that the rejections toward claim 2 for at least the above mentioned reasons should be reversed and therefore claim 2 is in condition for allowance.

2. The Examiner's response to the Appellant's first argument is that Ishigami [also in view of Chase] does teach the limitations of "rasterizing the image data from an initial format to raster image data and wherein the modifying comprises modifying the image data being rasterized during the rasterizing". Ishigami teaches rasterizing the image data (see Ishigami, Fig. 11a-b, col. 3, lines 59-61, the data is scanned in a main direction which essentially is raster scanning) from an initial format to raster image data, and wherein the modifying comprises modifying the image data / image signal creation being rasterized / scanning main direction during the rasterizing (see Ishigami, Fig. 11a-b, col. 4, lines 59-61, col. 6, lines 25-44). Although Ishigami doesn't specifically disclose rasterizing the image data, it would have been obvious to one of ordinary skill in the art at the time the invention was made to realize that the main scan direction is essentially rasterizing because rasterizing is essentially

scanning of pixels in an image line by line from left to right and the main scanning direction does this scanning line by line from left to right as is shown in Figures 14-15 of Ishigami respectively [further detailed discussions are also found in the Examiners Final Office Action dated 9/27/2007 in pages 3-4 in regards to claim 2]. Also, refer to Figure 1 of Ishigami and Figure 2 of the present application; the two scanning optical systems have essentially the same setup which further shows that Ishigami's teachings actually does teach the suggested claim limitations. Also, the Appellant argues that the claims limitation of "image data" doesn't correspond to Ishigami's clock pulses. This seems to be irrelevant because the art rejection clearly taught that the Appellants "image data" corresponded to Ishigami's image signal which clearly is the same thing; image data and image signal mean the exact same thing. But for the sake of argument, Ishigami also discloses (see Ishigami, col. 4, lines 63-65) that the clock pulses are generated as a representation of the image signal [the image signal and the clock pulses therefore correlate and correspond to each other] clearly showing that the clock pulses are corresponding image data.

The Examiner's response to the Appellant's second argument that the references fail to show certain features of Appellant's invention, is that it is noted that the features upon which Appellant relies (i.e., image data is defined as page description language (PDL) data or any other data) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Also as discussed above the art

rejection clearly taught that the Appellants "image data" corresponded to Ishigami's image signal which clearly is the same thing; image data and image signal mean the exact same thing. But for the sake of argument, Ishigami also discloses (see Ishigami, col. 4, lines 63-65) that the clock pulses are generated as a representation of the image signal [the image signal and the clock pulses therefore correlate and correspond to each other] clearly showing that the clock pulses are corresponding image data.

The Examiner's response to the Appellant's third argument that the references fail to show certain features of Appellant's invention, is that it is noted that the features upon which Appellant relies (i.e., paragraphs 0023, 0028-0029, 0035-0037, 0039 and 0044) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Examiner's response to the Appellant's fourth argument is that the claim rejection toward claim 2 is maintained since the prior art reference Ishigami [also in view of Chase] does teach the reasonable broad interpretation of the claimed subject matter as discussed above. Therefore claim 2 is still not in condition for allowance since it is still not patentably distinguishable over the prior art reference.

For these reasons, the Examiner considers these arguments unpersuasive and maintains the previous rejections of claim 2.

F. Positively-recited limitations of claims 6, 14, and 30 are not disclosed nor suggested by Ishigami or Chase and the 103 rejection is improper.

1. *The Appellant firstly argues* for patentability of claims 6, 14, and 30 (see Appeal Brief, pp 13-14) based on the same reasoning used for the arguments pertaining to claim 2 respectively as discussed above in Section E.1.

The Appellant secondly argues that the rejections toward claims 6, 14, and 30 for at least the above mentioned reasons should be reversed and therefore claims 6, 14, and 30 are in condition for allowance.

2. Firstly, for the same reasons respectively as discussed above in Section E.2 with respect to claim 2, the Examiner considers these arguments unpersuasive and maintains the previous rejection of claims 6, 14, and 30 as discussed above in **Section (9) Grounds of Rejection**. Ishigami further discloses the modifying comprises modifying using a raster image processor (see Fig. 11a-b, col. 4, lines 59-61, the data is scanned in a main direction which essentially is raster scanning, col. 6, lines 25-44) and Chase is used as a secondary reference to show that it would have been obvious to one of ordinary skill in the art at the time the invention was made to realize that the main scan direction of Ishigami is essentially rasterizing with a raster image processor (see Chase et al, US 6,611,348 B1, col. 7, lines 57-62, Chase shows that one of ordinary skill realizes that a printer type device includes a raster image processor to rasterize files from one data type to another when the binary pixel information will be used for manipulation or in this case correction).

Therefore Ishigami in view of Chase does teach the reasonable broad interpretation of a raster image processor.

The Examiner's response to the Appellant's second argument is that the claim rejections toward claims 6, 14, and 30 are maintained since the prior art reference Ishigami, in view of Chase, does teach the reasonable broad interpretation of the claimed subject matter as discussed above. Therefore claims 6, 14, and 30 are still not in condition for allowance since they are still not patentably distinguishable over the prior art reference.

For these reasons, the Examiner considers these arguments unpersuasive and maintains the previous rejections of claims 6, 14, and 30.

G. Positively-recited limitations of claim 21 are not disclosed nor suggested by Ishigami or Chase and the 103 rejection is improper.

1. *The Appellant firstly argues* for patentability of claim 21 (see Appeal Brief, pp 14-15) based on the same reasoning used for the arguments pertaining to claim 2 respectively as discussed above in Section E.1 and to claims 6, 14, and 30 respectively as discussed above in Section F.1.

The Appellant secondly argues that the rejections toward claim 21 for at least the above mentioned reasons should be reversed and therefore claim 21 is in condition for allowance.

2. Firstly, for the same reasons respectively as discussed above in Section E.2 with respect to claim 2 and Section F.2 with respect to claims 6, 14, and 30, the Examiner considers these arguments unpersuasive and maintains the previous rejection of claim 21 as discussed above in Section **(9) Grounds of Rejection**.

The Examiner's response to the Appellant's second argument is that the claim rejections toward claim 21 is maintained since the prior art reference Ishigami, in view of Chase, does teach the reasonable broad interpretation of the claimed subject matter as discussed above. Therefore claim 21 is still not in condition for allowance since they are still not patentably distinguishable over the prior art reference.

For these reasons, the Examiner considers these arguments unpersuasive and maintains the previous rejections of claim 21.

H. Positively-recited limitations of claims 15 and 22 are not disclosed nor suggested by Ishigami or Chase and the 103 rejection is improper.

1. *The Appellant firstly argues* for patentability of claims 15 and 22 (see Appeal Brief, pp 15-16) based on the same reasoning used for the arguments pertaining to claim 2 respectively as discussed above in Section E.1 and to claims 6, 14, and 30 respectively as discussed above in Section F.1.

The Appellant secondly argues that the rejections toward claims 15 and 22 for at least the above mentioned reasons should be reversed and therefore claims 15 and 22 are in condition for allowance.

2. Firstly, for the same reasons respectively as discussed above in Section E.2 with respect to claim 2 and Section F.2 with respect to claims 6, 14, and 30, the Examiner considers these arguments unpersuasive and maintains the previous rejection of claims 15 and 22 as discussed above in Section **(9) Grounds of Rejection**.

The Examiner's response to the Appellant's second argument is that the claim rejections toward claims 15 and 22 are maintained since the prior art reference Ishigami, in view of Chase, does teach the reasonable broad interpretation of the claimed subject matter as discussed above. Therefore claims 15 and 22 are still not in condition for allowance since they are still not patentably distinguishable over the prior art reference.

For these reasons, the Examiner considers these arguments unpersuasive and maintains the previous rejections of claims 15 and 22.

I. **The 102 rejection of claim 31 is improper since positively recited limitations of the claims are not disclosed in Ishigami.**

1. *The Appellant firstly argues* for patentability of claim 31 (see Appeal Brief, pp 16-17) based on the same reasoning used for the arguments pertaining to claim 1 respectively as discussed above in Section A.1.

The Appellant secondly argues that the rejections toward claim 31 for at least the above mentioned reasons should be reversed and therefore claim 31 is in condition for allowance.

2. Firstly, for the same reasons respectively as discussed above in Section A.2 with respect to claim 1, the Examiner considers these arguments unpersuasive and maintains the previous rejection of claim 31 as discussed above in Section (9)

Grounds of Rejection; Ishigami teaches the modifying the image data comprises modifying / correcting content of a representation / latent of the hard image / color image (see col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 34-64, col. 6, lines 25-44).

The Examiner's response to the Appellant's second argument is that the claim rejections toward claim 31 is maintained since the prior art reference Ishigami, does teach the reasonable broad interpretation of the claimed subject matter as discussed above. Therefore claim 31 is still not in condition for allowance since they are still not patentably distinguishable over the prior art reference.

For these reasons, the Examiner considers these arguments unpersuasive and maintains the previous rejections of claim 31.

J. The 102 rejection of claim 32 is improper since positively recited limitations of the claims are not disclosed in Ishigami.

1. *The Appellant firstly argues*, regarding claim 32 (see Appeal Brief, pp. 17), that the Ishigami art reference does not teach or suggest the claim limitations of "modifying the image data using correction data providing modified data, and wherein the modified image data causes different pixels of a raster to be imaged compared with the initial image data" because the Appellant believes that Ishigami's clock pulses are not the same as the claims "image data".

The Appellant secondly argues that the rejections toward claim 32 for at least the above mentioned reasons should be reversed and therefore claim 32 is in condition for allowance.

2. Firstly, for the same reasons respectively as discussed above in Section A.2 with respect to claim 1, the Examiner considers these arguments unpersuasive and maintains the previous rejection of claim 32 as discussed above in Section (9) **Grounds of Rejection**; Ishigami teaches wherein the accessing comprises accessing the image data comprising initial image data / image signal and the modifying / correcting provides modified image data / image signal corrected of distortion, and wherein the modified image data causes different pixels of a raster to be imaged compared with the initial image data (see col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 34-64, col. 6, lines 25-44, the modified image signal is different than the initial image signal since distortion has been corrected using uniform velocity correction data, an original is different from a modified original).

The Examiner's response to the Appellant's second argument is that the claim rejections toward claim 32 is maintained since the prior art reference Ishigami, does teach the reasonable broad interpretation of the claimed subject matter as discussed above. Therefore claim 32 is still not in condition for allowance since they are still not patentably distinguishable over the prior art reference.

For these reasons, the Examiner considers these arguments unpersuasive and maintains the previous rejections of claim 32.

K. The 102 rejection of claim 33 is improper since positively recited limitations of the claims are not disclosed in Ishigami.

1. *The Appellant firstly argues*, regarding claim 33 (see Appeal Brief, pp. 17-18), that the Ishigami art reference does not teach or suggest the claim limitations of "modifying a graphical object of a display list" because the Appellant cannot find the term graphical object in the art reference.

The Appellant secondly argues that the rejections toward claim 33 for at least the above mentioned reasons should be reversed and therefore claim 33 is in condition for allowance.

2. The Examiner's response to the Appellant's first argument is that the graphical object of a display list is not defined in the claim and therefore the Examiner understood it to be a type of distortion in expansion or contraction. Therefore the Examiner considers these arguments unpersuasive and maintains the

previous rejection of claim 33 as discussed above in Section (9) **Grounds of Rejection**; Ishigami teaches modifying the image data comprises modifying / correcting data a graphical object of a display list / distortion in expansion or contraction (see col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 34-64, col. 6, lines 25-44). [Also see Section A.2 above for the Examiner's response to the arguments regarding the clock pulses being compared to the image data].

The Examiner's response to the Appellant's second argument is that the claim rejections toward claim 33 is maintained since the prior art reference Ishigami, does teach the reasonable broad interpretation of the claimed subject matter as discussed above. Therefore claim 33 is still not in condition for allowance since they are still not patentably distinguishable over the prior art reference.

For these reasons, the Examiner considers these arguments unpersuasive and maintains the previous rejections of claim 33.

L. Positively-recited limitations of claims 34 and 38 are not disclosed nor suggested by Ishigami and the 103 rejection is improper.

1. *The Appellant firstly argues*, regarding claims 34 and 38 (see Appeal Brief, pp. 18-19), that the Ishigami art reference does not teach or suggest the claim limitations of "outputting the image data to a light source at a constant rate" (34) or "modified data is applied to an optical scanning system at a constant rate" (38)

because the Appellant believes that the outputting a constant rate is not disclosed nor rendered obvious by Ishigami.

The Appellant secondly argues that the rejections toward claims 34 and 38 for at least the above mentioned reasons should be reversed and therefore claims 34 and 38 are in condition for allowance.

2. Firstly see Section A.2 above for the Examiner's response to the arguments regarding the clock pulses being compared to the image data. The Examiner's response to the Appellant's first argument is that the Ishigami does teach the correcting distortion using uniform velocity correction data which leads one of ordinary skill in the art at the time the invention was made to have such claim features seem obvious because Ishigami has been correcting for uniform velocity to be able to output at this undistorted uniform velocity / constant rate. This articulated reasoning provides a predicted result and is the support for the conclusion of obviousness. *KSR Int'l v. Teleflex, Inc.*, 82 USPQ2d 1385, (U.S. 2007). Therefore the Examiner considers these arguments unpersuasive and maintains the previous rejection of claims 34 and 38 as discussed above in Section **(9) Grounds of Rejection**.

The Examiner's response to the Appellant's second argument is that the claim rejections toward claims 34 and 38 are maintained since the prior art reference Ishigami, does teach the reasonable broad interpretation of the claimed subject matter as discussed above. Therefore claims 34 and 38 are still not in condition for

allowance since they are still not patentably distinguishable over the prior art reference.

For these reasons, the Examiner considers these arguments unpersuasive and maintains the previous rejections of claims 34 and 38.

M. Positively-recited limitations of claim 35 are not disclosed nor suggested by Ishigami and the 103 rejection is improper.

1. *The Appellant firstly argues*, regarding claim 35 (see Appeal Brief, pp. 19-20), that the Ishigami art reference does not teach or suggest the claim limitations of "modifying image data using correction data to reduce an introduction of image errors and the modifying provides modified image data which causes a pixel of one scan line of a raster to be images using a pixel of another scan line of the raster" because the Appellant believes it isn't suggested nor made obvious.

The Appellant secondly argues that the rejections toward claim 35 for at least the above mentioned reasons should be reversed and therefore claim 35 is in condition for allowance.

2. The Examiner's response to the Appellant's first argument is that a 35 U.S.C. 112 first paragraph rejection was applied to this claim and the Examiner was not entirely sure what the Appellant even was trying to claim because the specification didn't have support [the Examiner doesn't believe support is found to reasonable convey possession of the claimed invention] in the specification for such claim

language and therefore the Examiner interpreted the limitation as best understood. The Examiner made an obvious type rejection showing that pixels from different scan lines may be modified the same way when an occurrence for example such as a colored box with a reasonable size width and length is in the image having same color because when this same colored box is scanned and modified in one scan line, the same type of modification should occur once again for the next scan line since the line data representing the same colored box is the same for each line. Therefore the Examiner believes that same data on different scan lines will be modified the same way and therefore it would be obvious to one of ordinary skill in the art at the time the invention was made to have Ishigami's modification of image data pixels on different scan lines to be modified using the same modified result from the same type of image data pixel. This articulated reasoning provides a predicted result and is the support for the conclusion of obviousness. *KSR Int'l v. Teleflex, Inc.*, 82 USPQ2d 1385, (U.S. 2007).

The Examiner's response to the Appellant's second argument is that the claim rejections toward claim 35 is maintained since the prior art reference Ishigami, does teach the reasonable broad interpretation of the claimed subject matter as discussed above. Therefore claim 35 is still not in condition for allowance since they are still not patentably distinguishable over the prior art reference.

For these reasons, the Examiner considers these arguments unpersuasive and maintains the previous rejections of claim 35.

N. Positively-recited limitations of claim 36 are not disclosed nor suggested by Ishigami and the 103 rejection is improper.

1. *The Appellant firstly argues*, regarding claim 36 (see Appeal Brief, pp. 21), that the Ishigami art reference does not teach or suggest the claim limitations of "modifying during the rasterizing provides a raster to be images which is different than a raster provided by rasterizing of the image data without the modifying" because the Appellant believes it isn't suggested nor made obvious.

The Appellant secondly argues that the rejections toward claim 36 for at least the above mentioned reasons should be reversed and therefore claim 36 is in condition for allowance.

2. The Examiner's response to the Appellant's first argument is that a 35 U.S.C. 112 first paragraph rejection was applied to this claim and the Examiner was not entirely sure what the Appellant even was trying to claim because the specification didn't have support [the Examiner doesn't believe support is found to reasonable convey possession of the claimed invention] in the specification for such claim language and therefore the Examiner interpreted the limitation as best understood. Ishigami teaches the modifying during the rasterizing / scanning main direction provides a raster to be imaged which is different than a raster provided by rasterizing of the image data without the modifying (see col. 2, lines 58-67, col. 3, lines 1-16, col. 4, lines 34-64, col. 6, lines 25-44, it is obvious that the raster of an image signal will be different after a modification during rasterization is applied to the data, an

original is different from a modified original). Therefore the Examiner believes that the raster provided by the modifying with the correction data would be different than a raster provided without the correction data. This articulated reasoning provides a predicted result and is the support for the conclusion of obviousness. *KSR Int'l v. Teleflex, Inc.*, 82 USPQ2d 1385 (U.S. 2007).

The Examiner's response to the Appellant's second argument is that the claim rejections toward claim 36 is maintained since the prior art reference Ishigami, does teach the reasonable broad interpretation of the claimed subject matter as discussed above. Therefore claim 36 is still not in condition for allowance since they are still not patentably distinguishable over the prior art reference.

For these reasons, the Examiner considers these arguments unpersuasive and maintains the previous rejections of claim 36.

O. Claim 31 complies with the written description requirement and the 112, first paragraph rejection is in error.

1. *The Appellant firstly argues*, regarding claim 31 (see Appeal Brief, pp. 21-22), that there is support for claim 31 in the specification.

The Appellant secondly argues that the 35 U.S.C. 112 first paragraph rejections toward claim 31 for at least the above mentioned reasons should be reversed and therefore claim 31 is in condition for allowance.

2. The Examiner's response to the Appellant's first argument is that a 35 U.S.C. 112 first paragraph rejection was **not** applied to this claim 31 in the Final Office Action [see Final Office Action dated 9/27/2007, pp.8-9] and therefore this argument is moot since.

The Examiner's response to the Appellant's second argument is that the 35 U.S.C. 112 first paragraph claim rejections toward claim 31 was **not** applied and therefore the argument is moot. However, a 35 U.S.C. 112 first paragraph claim rejection was applied to claim 32 which has not been raised in the Appeal Brief.

For these reasons, the Examiner considers these arguments unpersuasive.

P. Claim 34 complies with the written description requirement and the 112, first paragraph rejection is in error.

1. The Appellant firstly argues, regarding claim 34 (see Appeal Brief, pp. 22-23), that there is support for claim 34 in the specification.

The Appellant secondly argues that the 35 U.S.C. 112 first paragraph rejections toward claim 34 for at least the above mentioned reasons should be reversed and therefore claim 34 is in condition for allowance.

2. The Examiner's response to the Appellant's first argument is that paragraph 0044 states "The modified image data may be outputted to light source 22 at a constant rate in one embodiment" whereas claim 34 states "outputting the image data to a light source at a constant rate". Modified image data and image data are

reasonably different in that the modified image data is corrected image data and therefore the Examiner still believes there is no support for the currently claimed limitations of claim 34 to reasonably convey possession of the claimed invention.

The Examiner's response to the Appellant's second argument is that the 35 U.S.C 112 first paragraph claim rejections toward claim 34 is maintained as discussed above.

For these reasons, the Examiner considers these arguments unpersuasive and maintains the previous 35 U.S.C. 112 first paragraph rejections of claim 34.

Q. Claim 35 complies with the written description requirement and the 112, first paragraph rejection is in error.

1. The Appellant firstly argues, regarding claim 35 (see Appeal Brief, pp. 23-24), that there is support for claim 35 in the specification.

The Appellant secondly argues that the 35 U.S.C. 112 first paragraph rejections toward claim 35 for at least the above mentioned reasons should be reversed and therefore claim 35 is in condition for allowance.

2. The Examiner's response to the Appellant's first argument is that paragraphs 0037, 0040, and 0043 of the specification do not seem to support the claim language but rather determining which pixels to turn on and off, etc. Therefore the Examiner still believes there is no support for the currently claimed limitations of claim 35 to reasonably convey possession of the claimed invention.

The Examiner's response to the Appellant's second argument is that the 35 U.S.C 112 first paragraph claim rejections toward claim 35 is maintained as discussed above.

For these reasons, the Examiner considers these arguments unpersuasive and maintains the previous 35 U.S.C. 112 first paragraph rejections of claim 35.

R. Claim 36 complies with the written description requirement and the 112, first paragraph rejection is in error.

1. The Appellant firstly argues, regarding claim 36 (see Appeal Brief, pp. 24), that there is support for claim 36 in the specification.

The Appellant secondly argues that the 35 U.S.C. 112 first paragraph rejections toward claim 36 for at least the above mentioned reasons should be reversed and therefore claim 36 is in condition for allowance.

2. The Examiner's response to the Appellant's first argument is that paragraph 0040 provides a suggestion to one of ordinary skill in the art for possible support of the claimed limitation. The Examiner had used this logic of obviousness to reject claim 36 and the Appellant was arguing how it is not obvious to one of ordinary skill in the art to recognize that the raster provided by the modifying with the correction data would be different than a raster provided without the correction data. Therefore the Examiner doesn't understand why the Appellant has two views on this issue of obviousness and therefore the Examiner still believes there is no support for the

currently claimed limitations of claim 36 to reasonably convey possession of the claimed invention.

The Examiner's response to the Appellant's second argument is that the 35 U.S.C 112 first paragraph claim rejections toward claim 36 is maintained as discussed above.

For these reasons, the Examiner considers these arguments unpersuasive and maintains the previous 35 U.S.C. 112 first paragraph rejections of claim 36.

S. Claim 37 complies with the written description requirement and the 112, first paragraph rejection is in error.

1. The Appellant firstly argues, regarding claim 37 (see Appeal Brief, pp. 24-25), that there is support for claim 37 in the specification.

The Appellant secondly argues that the 35 U.S.C. 112 first paragraph rejections toward claim 37 for at least the above mentioned reasons should be reversed and therefore claim 37 is in condition for allowance.

2. The Examiner's response to the Appellant's first argument is that paragraph 0040 of the specification does not seem to support the claim language but rather show the axis in the scan direction may increase or decrease to cancel the optical distortion, etc; the Examiner does not understand how that correlates to the claimed limitations. Therefore the Examiner still believes there is no support for the currently

claimed limitations of claim 37 to reasonably convey possession of the claimed invention.

The Examiner's response to the Appellant's second argument is that the 35 U.S.C 112 first paragraph claim rejections toward claim 37 is maintained as discussed above.

For these reasons, the Examiner considers these arguments unpersuasive and maintains the previous 35 U.S.C. 112 first paragraph rejections of claim 37.

T. Claim 38 complies with the written description requirement and the 112, first paragraph rejection is in error.

1. The Appellant firstly argues, regarding claim 38 (see Appeal Brief, pp. 25), that there is support for claim 38 in the specification.

The Appellant secondly argues that the 35 U.S.C. 112 first paragraph rejections toward claim 38 for at least the above mentioned reasons should be reversed and therefore claim 38 is in condition for allowance.

2. The Examiner's response to the Appellant's first argument is that paragraph 0044 of the specification does not seem to support the claim language but rather having processing circuitry 14 to output the modified image data at a constant rate [instead of applying the modified image data to the optical scanning system at a constant rate]. Therefore the Examiner still believes there is no support for the

currently claimed limitations of claim 38 to reasonably convey possession of the claimed invention.

The Examiner's response to the Appellant's second argument is that the 35 U.S.C 112 first paragraph claim rejections toward claim 38 is maintained as discussed above.

For these reasons, the Examiner considers these arguments unpersuasive and maintains the previous 35 U.S.C. 112 first paragraph rejections of claim 38.

U. Conclusion.

1. For all the above reasons, the Examiner maintains the previous rejections of claims 1-7, 13-23 and 27-38 because claims 1-7, 13-23 and 27-38 are not allowable over the cited prior art.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectively submitted,

Bernard Krasnic (Examiner)

May 9, 2008

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